THE ORDER

Of Keeping A COVRT LEET; AND COVRT BARON,

With the Charges appertaining to the same:

Truly and plainly delivered in the English Tongue, for the Profit of all men, and most commodious for young Students of the Lawes, and all other within the Iurisdiction of those Courts.

Whereunto is annexed Divers New Additions

Quicquid agas, prudenter agas, & respice finem

LONDON

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1650.

THE ORDER
Of Keeping
A COURT LEET,
AND
COURT BARON.

FIrſt, there ſhall bee a Precept made by the Steward unto the Bayliffe, to warn the Court, by a reaſonable time: that is to ſay, ſix or more dayes before the Court be kept, in ſuch form as followeth. But it is better if warning be ſixteen dayes before, as it is in the Common Bank.

The Precept.

A. B. *Generoſ. Seneſchall Manerii predicti,* Blackford. *Ballivo ejuſdem Salutem. Tibi præcipio pariter & mando, quod diligenter præmonere facias omnes tenentes infra Manerium prædictum, tam reſidentes quam non reſidentes, atque omnes tenentes Cuſtomarios Manerii præd. quod ſint coram me in*

hac parte ſufficienter deputato apud Blackford prædictum die Iovis, viceſimo ſexto die Martii proximo futuro poſt datum hujus, ad faciendum ſectam ſuam, tam ad viſam Frank' pleg' quam ad Curiam Baron' & omnia alia quæ eis incumbent, & pertinebunt, & hac nullatenus omittas: & habeas ibi hoc præceptum. Datum ſub ſigillo meo, decimo die hujus menſis Martii, Anno Domini 1650.

After that the Steward is ſet in the Court, he muſt firſt enter in writing the title of the Court, in the beginning of the Court Rolle, with the name of the place, in ſuch form as followeth.

The Entry of the Court Leet, and Court Baron.

Blackford *Viſus Franc' pleg' cum Curia.* C. L. *Generoſi Domini ejuſdem ibidem, tent. die Iovis videlicet, viceſimo ſexto die Martii, An. Dom.* 1650. *tent' per A. B. Seneſchallum ibidem.*

When that is done, the Steward ſhall cauſe the Bailiffe which ſerveth the Court, if it be in a Leet, to make proclamations, that is to ſay, three Oyes: and if it be in a Court Baron, then but one, and after ſhall ſay as followeth.

All manner of perſons which had warning to appear here this day to ſerve in the Court Leet, and the Lord of the Mannour for his Court now holden: Draw near, and give your attendance

dance, and every one answer to his name as he shall be called, upon pain and perill that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shal cause again (if it be in a Leet) to be made other three Oyes. Then after the three proclamations made, the Steward shall cause the Bailiffe to say:

If any will be Essoined, come in, and you shall be heard.

And in a Court Baron, if any will be Essoined, or enter any plaint, come in, and you shall be heard: and then the Steward shall say, Essoins and proffers of suit and plea, three times, and in the End. Essoins for this day.

Then if there be any person that hath any lawfull impediment that he cannot be there as he is bound, let one ask an Essoin for him, (the Court sitting) to save his default.

And then the Steward shall enter the Essoin in the Court Rolle, in this manner:

The manner of entring the Essoins.

A. B. *per* C.D. *Essoniatur de cõi. & sic de aliis.*

Look also if there be any Tenant in the Mannour that hath any action, or cause of action, sithence the last Court day, let him put in his plaint, the Court sitting, and it shall be entred.

Look alſo if there be any Precepts, Attachments or Diſtreſſes hanging in the Court Rolls, enquire of them openly in the Court, and know if the Bailiffe have ſerved them.

Alſo if there be any old Plaints hanging in the Court Roll before this Court holden, cauſe the parties to be called, and before the Enqueſt be charged, know if the Plaint ſhall paſſe by the Homage.

That done, the Enqueſt ſhall be impanelled: Then bid the Foreman lay his hand upon the Book, and ſwear him in forme following.

The Oath of the Foreman.

Cauſe the Bailiffe to hold the Book unto the party or parties ſworn, but the Steward ſhall give the Oath,

YOu ſhall diligently inquire, and true preſentment make of all ſuch things as you ſhall be charged with, concerning as well the Leet, as the Lords Court of the Mannor: You ſhall well and truly keep your fellows counſell and your own: you ſhall not conceal nor hide any thing for favour, feare, promiſe, nor affection you bear to any perſon or perſons; or preſent any thing for hatred, or malice you beare to any man: but you ſhall preſent and tell the truth, the whole truth, and nothing but the truth, ſo helpe you God, and by the contents of this Book. And this being done, cauſe him to kiſſe the Book.

After

After the Foreman is ſworn by himſelf, cauſe three or foure of the Enqueſt, to lay their right hands on the Book, and give their oath as followeth.

The Oath of the reſt of the Iury.

ALL ſuch Oath as *A. B.* hath made before you on this behalf you & every of you ſhall well and truly keep on your behalfes: ſo help you God, and by the contents of this book.

And then cauſe every one that is ſworne, to kiſſe the book.

And ſo in like manner ſwear the reſt.

After they be ſworn, cauſe the Bayliffe to number them that be ſworn, as the Steward doth read them.

The Proclamation after the Oath taken.

THen make Proclamation, and ſay thus, All you that are here ſworn, draw near and hear your Charge, and all the reſt keep ſilent, upon pain and perill that ſhall come thereof. Before the Charge, gather the common Fine, which the Tenants do pay every Leet, according to the Cuſtome of the Mannour.

The Exhortation to be given unto the Iury before the Charge, to conſider their Oath.

MAſters, the Charge which you have promiſed by your Oathes to obſerve, toucheth and concerneth divers good Lawes and Sta-

tutes

tutes made for the whole Common Weal of this Realm, and alſo for the private wealth of every of you: which matters the Lord of this Franchiſe conſidering, and wiſhing your wealth and quietneſſe; willing alſo good Orders to be obſerved and kept among you, and that Right and Equity might be miniſtred to every of you, hath cauſed therefore the Leet and Court to be ſummoned and kept here at this day: I will therefore by your favour, before I enter into the matters of your Charge, declare unto you by what authority you are brought hither, and wherein you are bound to ſerve.

One cauſe is, for that there hath been granted unto the Lord of this Mannour, a ſtrength and power to keep a Leet or Law-day at two times in the yeare, at which Leet or Lawday, all the Headboroughs, Tithingmen, and Decimers, and all other perſons which be reſident or dwelling within this Leet, being of the age of twelve yeares or above, are bound by the Law of this Realme to appear: for that there they may hear the Lawes and Statutes opened and declared, that thereby they may know and avoid the danger of the ſame: and further to enquire of the breakers of the ſame, and preſent them, that ſuch offenders might be puniſhed.

The other cauſe or authority is, for that you be the Lords Tenants, and are bound by reaſon of your Tenure to appear at the Lord his Court Baron, when it ſhall happen to be kept, according

cording to the Law, that is to ſay, at every three weeks end, and being here by theſe two Authorities, you are bound to ſerve in all ſuch things as you are joyntly and lawfully charged withall, as well concerning the Leet, as the Lords Court Baron.

And thus you have heard in brief the cauſes whereby you are bound to come to this Leet and Court Baron.

Alſo to the intent that this your Oath which you have taken, may be the better known, I think it good by your patience ſomewhat to ſay concerning the ſame.

Firſt, in ſwearing, three things chiefly ought to be conſidered: the firſt is, that you ſweare truly, that is, you muſt ſeclude all favour and affection to the parties, not fearing the rich, nor pitying the poore, n r conſidering the ſimplen ſſe of any perſon, nor the ſmallneſſe of the offence. but having the truth onely before your eyes, for love thereof ſay and ſpeak that which you know to be true, and no further. The ſecond is, you muſt ſwear in righteouſneſſe, that is, for the very zeale and deſire you have in declaring of the truth, for the Execution of Juſtice, for the obſerving of Coventants, honeſt romiſes, Statutes, Lawes, and good Cuſtomes: and having a reſpect in doing, and performing theſe things, you do that which is to the Glory of God, the Preſervation of the People and Services of the Common-Weal:

and this manner of ſwearing is commanded of Almighty God in *Deuteronomy*, ſaying, *Thou ſhalt feare the Lord thy God, and ſerve him, and ſhalt ſweare by his name.* That is we muſt ſerve God onely, feare him, aud confeſſe his holy name, which is done by ſwearing lawfully; ſwearng alſo in many other places of Scripture is commanded, but the ſame conditionally, which is, wee muſt ſweare in truth, in judgement, and in righteouſneſſe, *&c.*

Chap. 6.

Thirdly, in ſwearing, and taking an Oath, you muſt do it with judgement, not raſhly, nor unadviſedly, but ſoberly, conſidering what an Oath is: and to put you in mind thereof, I will in few words declare what an Oath is. An Oath is the calling or taking to witneſſe of God his name, to confirm the truth of that we ſay. And Saint *Paul* ſaith, *An Oath for Confirmation is among men an end of all ſtrife.* For in doubtful and obſcure matters, where the knowledge of men faileth, we flie unto God, that he which is the onely truth, may give Teſtimony unto the truth, and he which uſeth God for a witneſſe, doth alſo call for revenge of perjury at his hands, if he deceive and ſpeak not the truth: Alſo in laying your hands upon the Book, you do ſweare, truly to enquire and make a true Preſentment of thoſe things wherewith you be charged, and not to let from ſaying the truth, and doing truly, for favour, fear, love, or malice of any perſon: you muſt conſider, that in the ſame Book is contained

Heb. 6. verſe 16 17.

tained God his everlasting Truth and most holy word, whereby we have Remission and forgiveneſſe of our ſinnes, and everlasting life. Alſo in the Goſpell Book is contained God his plagues and threats to obſtinate ſinners, perjured men, falſe witneſſe bearers, condemners of innocent and guiltleſſe perſons, ſo that if willingly you forſwear your ſelves, you utterly forſake God, his Mercy and Truth, the Merits of our Saviour Chriſt, his Nativity, Life, Paſſion, Death, Reſurrection and Aſcenſion, the Ioyes of Heaven, and Everlasting Life, betaking your ſelves to the Devil, the authour of all lies, perjury and deceit: and by forſwearing and forſaking the Truth you do forſake Chriſt, the Light and Truth it ſelf, and although that perjury do eſcape ſometimes uneſpied, and unpuniſhed and be kept ſecret between ſome of you and others, yet your hearts will judge and repute one another falſe, and be ſuſpitious of each others doings: but God being faithfull, he will not deny himſelf: and therefore he will not ſuffer the profanation of his name to be unpuniſhed: alſo at the laſt day, when the ſecrets of all mens hearts ſhall be opened, then the truth and your own conſciences ſhall accuſe you and Chriſt the righteous Judge ſhall juſtly condemne you to Everlasting death and damnation. For this ſinne of perjury God by his Prophet hath threatned to puniſh. Malac. 3. Wherefore let us pray unto God that we may

uſe ſuch Oathes as be godly and lawfull, that is, that we ſwear not raſhly, in trifles, or in matters of no weight, but when it is needfull, and neceſſary onely: alſo that we do conſider the end, that our Oathes may ſerve to the Honour of God, and to the boulting out and teſtifying of a Truth. And thus having put you in mind of your duties and Oathes, the which I truſt you will diligently weigh and conſider in the performing and doing of the ſame, to the comfort of your Conſciences: I will proceed no further herein, but declare unto you the articles of your Charge.

The Charge of a Court Leet.

1 YOu muſt underſtand, that high Treaſons, petty Treaſons, and Felonies, which are againſt the Common-Wealth, are to be enquired of, and preſented in Court Leet, but not puniſhable there.

2 The which offences ought to be ſet down in writing and indented, the one part to remain with the Steward, the other with the Iury, and the ſame muſt be delivered to the Iuſtices of the Aſſizes at the next Gaole delivery holden within the County. *See Stamford in his Pleas of the Crown, lib. 2. Cap. 24. fol. 85, 86, & 87. And Mr. Lambert in his Iuſtice of Peace. lib. 4. cap. 6.*

3 If any counterfeiteth, clippeth, fileth, waſheth, or otherwiſe falſifieth the money of this

this Realm, or the Coin of any other Realme which is enabled to be currant within this Realm.

5 If any one counterfeiteth Common-wealth Grants or Charters, and put the great Seal or ſtamp thereunto theſe are Treaſons.

Alſo counterfeitng of the ſaid Seal is to take Wax Printed with the Seal and to faſten it to a writing not made by the Common-wealth, theſe are to be enquired of here as Felonies, and to be certified as aforeſaid, *Raſtal Treaſon 26.5. Eliz. cap 11. pur. clipping, waſhing, &c.*

6 Alſo if any kill his Maſter or his Miſtreſſe: or if a Prieſt or other Religious man kill his Ordinary, this is petty Treaſon, and to be enquired of here as Felony, 25.*E.*3.*cap.* 2.*Raſtal. Treaſon* 1. Petty Treaſon

7 And if any Woman kill her Husband, it is petty Treaſon, and it is to be enquired of as Felony. *19.H.*6. fol. 27. A Woman to kill her Husband is Petty Treaſon.

8 Alſo cutting out of a mans tongue, and putting out his eyes of malice, is Felony, and to be enquired of here. Felonies.

9 Alſo murder is, when any of malice prepenſed or forethought doth kill another, Felonionſly, and it is to be enquired here as bloodſhed. Murder.

10 Alſo Manſlaughter as a Treſpaſſe is here to be enquired, that is to ſay, when the place is not appointed to fight, but ſuddenly they fight together, and the one killeth the other as Manſlaughter.

they

they meet by chance: alſo it is to be enquired here for bloodſhed.

In defending himſelf, and killing by miſfortune.

11 Alſo if one kill another in defending himſelf, he ſhall loſe his goods.

12 The ſame Law is where one killeth ano. by miſſortune, &c. *Stamford* 15. a.

Rape.

13 Alſo you ſhall enquire of Rape, which is if a man raviſh any woman againſt her will, be ſhe Wife, Widdow, or Maid, though ſhe afterward conſent unto it, it is Felony. You ſhall enquire alſo of their aiders, for they ſhall be judged Raviſhers, as well as he that did the deed, 22. *E.* 4. *fol.* 22.

Burglary.

14. Burglars are thoſe which in the time of Peace, or in the night time with a Felonious intent to rob or kill, do break any houſes, Churches, Walls, or Gates, and enter into them; this is Burglary, and here to be enquired of, *Stamford fol.* 10. b.

Robbery.

15 Robbery is when a man taketh any thing from any other perſon Felonioufly, though it were but the value of a peny, this is Felony, and to be enquired of.

Burning of a Houſe or Barn.

16 Alſo the burning of a houſe Felonioufly is Felony.

17. Alſo burning of Barnes, adjoyning to a houſe in the night, is to be enquired of, 11. *H.* 7. 1.

Robbing of Churches.

18 Alſo robbing of Churches or Chappels, and taking of any ornaments out of the ſame Felonioufly, is Felony, and to be enquired of.

17 If

19 If any reſcue any which is taken for Felony, that is Felony, and to be here enquired of. Reſcue.

20 Alſo taking of Doves in a Dove houſe in the night time with a felonious intent, is Felony, and here to be enquired of. Taking of Doves.

21 Alſo taking of young Pigeons, or young Goſhawks in their neſts, is Felony, and here is to be enquired of. Yong Pigeons, and young Goſhawks.

22 Alſo of taking of fiſh feloniouſly out of Ponds, Stewes, or Trunks, here is to be enquired of. But if the ſame be taken out of a river, there it is no Felony. Taking of fiſh.

23 Alſo the taking of tame Deere with a felonious intent, is Felony. Taking of Tame Deere,

24 The ſame Law is alſo for taking of Signets, Swans marked, Peacocks, and the ſame is to be enquired of. Signets, Swans, Peacocks.

25 Alſo if any receive a Felon, knowing of the Felony which he hath done, this is Felony, and here to be enquired of. Receivers.

26 And note that all other Felonies, which be Felonies by the Common Law, are here to be enquired of.

27 Acceſſaries are enquirable, and that is if one procure or command another to do a Felony, but is not preſent when he doth it: this procurer or commander is acceſſary. Acceſſary.

28 Alſo acceſſary after Felony done, is where one receiveth a *Felon*, knowing of the *Felony*. Acceſſary after Felony done.

29 Eſcape voluntary, is where one arreſteth another Eſcape voluntary.

another for *Felony*, and after ſuffereth him to go whither he will; this is *Felony*, and alſo to be enquired of.

Eſcape negligent.

30 Eſcape negligent is, when one is arreſted for *Felony*, and after eſcapeth againſt his will that arreſteth him, and if he be not freſhly purſued and taken before they that do purſue loſe the ſight of him, he that ſhould have kept him, or his Gaoler, ſhall loſe a grievous *Fine*, and hereof enquire.

Petty Larceny.

31 Petty Larceny is taking of any thing with a *Felonious* intent under the value of xx. d. as Hennes, Geeſe, Pigs, or ſmall things out of Windows, and thoſe things are to be enquired of.

Eſchear.

32 You ſhall underſtand that the Lord of whom the Land is holden, ſhall have the Lands by Eſchear, where their Tenants be attainted of Petty Treaſon or *Felony*.

33 And therefore you muſt enquire whoſe Lands and Goods, Tenements and Chattels thoſe perſons ſo offending have.

34 Alſo you ſhall underſtand that thoſe matters in the Charge aforeſaid, are to be enquired of, and Preſented as aforeſaid, but not puniſhable here, but they are to be certified by the Steward in Seſſions as aforeſaid, but the reſt of the matters of the Charge which enſue, are enquirable and Preſentable, and be alſo puniſhable here in Leet, but not certified as the other were.

1 *Thoſe things which hereunder follow, are to be Preſented in Leet, and alſo to be puniſhed there.*

2 FIrſt you ſhall enquire if all your Conſtables, Headboroughs, Decimers, and all other Suitors, which owe any Suit hither, be here or not, and Preſent all their names that make default Conſtables, Headboroughs.

3 Alſo you ſhall enquire if any Cuſtomes or Services, due to this Court, be holden back, how, by whom, and in what Bailiffes time the ſame was, and Preſent the ſame. Cuſtomes and Services.

4 Alſo you ſhall enquire if any purpreſtures be made upon the Land, Wood, or Water, with Blocks, Stakes, Ditch, Hedge, or by, or with any other thing done to the annoyance of the People, that is to ſay, to the multitude, and not onely to one. Purpreſtures.

5 Alſo if any Walls, Houſes, Pales, or Hedges be made or erected to the annoyance of the People, this is to be preſented. Walls, Houſes, Pales, or Hedges.

6 If any Common Highwayes, Waters, Ditches, or Pathes be turned out of their Courſes, it is to be enquired of. Highwayes, Waters, Ditches or Pathes.

7 Alſo you ſhall enquire if any Encroachments be made on the High wayes of any of the Lords Soil common, or one Neighbour upon another, and preſent it. Encroachments.

8 If any Layſtals be made, or any Carrion Layſtals.

be caſt in Highwayes, to the annoyance of the People, this is enquirable.

Make fraies. 9 Alſo if any commonly break the Peace, as making of Frayes in diſturbance of the People, this is enquirable.

Common Barretours. 10 Alſo if there be any common Barretours in the Lordſhip, as Scoulders, or Brawlers, to the annoyance and diſturbance of their Neighbours, Preſent their names.

Breakers of Pownd. 11 Alſo if any break the common Pownd to take a Diſtreſſe out of the ſame, Preſent their names.

Outcryes againſt the Law 12 If any Outcryes be made againſt the Lawes in diſturbance of the People, it is to be enquired of.

Reſcues made againſt the Sheriffe or his Officers. 13 Alſo if any Reſcues be made within the Seignioryupon the Sheriffe or his Bailiffes, or upon any of the Officers, in diſturbing of them to take any Perſon to be arreſted, it is to be enquired of.

Eveſdroppers, 14 You ſhall enquire if any Eveſdroppers which ſtand under Walls or Windows, by night or by day, to heare Tales; and to carry them to others, to make ſtrife and debate between their Neighbours, Preſent their names.

Breakers of Hedges. 15 Alſo if there be any common breakers of Hedges, Preſent their names.

Keepers of Bawdery. 16 If any keep and maintain any Bawdery in their houſes, it is cauſe of breaking the Peace, and it is a vice that corrupteth the Common-Weal, and for that cauſe it is here to be enquired of.

17 Al-

17 Alſo if there be any Vagabonds, or thoſe which walk by night and ſleep in the day. Vagabonds.

18 Alſo if there be any that be common haunters of Taverns or Alehouſes, having not ſufficient to live upon, they are to be enquired of. Haunters of Taverns or Alehouſes.

19 Alſo if one go in Meſſage for Theeves, it is to be enquired of. To go on meſſage for Thieves.

20 Alſo you ſhall enquire if any perſon have watered any Hemp or Flax in any River, running Water ſtreame or Brook, or other common Pond where beaſts do uſe to drink, they ſhal forfeit for every time ſo doing xx. s. the one part to the party grieved, or any other which will ſue for the ſame in the Leet, by action of Debt, Bill, Plaint or Information, or otherwiſe, and Preſent the Offenders. For corrupting the Waters

This Offence is not inquirable in the Leet, but may be puniſhed there, upon the Action or Information of any againſt the Offenders: for which ſee the Statute 23. H. 8. c. 17. *But upon a Preſentment of a Iury in the Leet of ſuch an Offence, the Penalty cannot be levied, but the Offender may be amerced there for the annoyance, and the Amercement eſtreated, and ſo levied.*

21 Alſo, if any have, and uſe any meaſures of Buſhells, Gallons, Yard, or Ell, or falſe Ballances, or Pounds, they are to be enquired of. Falſe weights

22 Alſo if any uſe double Pounds, or meaſures, that is to ſay one little or ſmall weight to to ſell by, and a greater to buy with, in deceiving Doubleweights

ving the People, the ſame is to be enquired of.

Aſſiſe of bread

23 You ſhall alſo enquire of the Aſſiſe of Bread and Ale, that the ſame be kept, that is to ſay, that every one ſell according unto the rate and price of grain, and that the ſame be made wholeſome for man, and hereof enquire.

Tiplers.

24 Alſo if Tiplers ſell by Cups or Diſhes, or meaſuers unſealed, and not ſealed, it is enquirable.

Butchers and all Victallers do ſell wholſome meat at a reaſonable price.

25 Alſo if Butchers, Fiſhmongers or other Victuallers ſell any corrupt victuall, not wholeſom for mans body, it is enquirable: alſo that all other that ſell victuall if they ſell the ſame at a reaſonable price, and not to be exceſſive, having regard to the prices how victualls be ſold in places thereabouts, and he that is convicted, ſhall pay double that he hath received to the party damnified, and the ſame to be enquired of.

Hoſtler for ſelling his hay and oats.

26 Alſo that Hoſtlers do not ſell Hay, nor Oats but at reaſonable prices, and that they do not take for the Buſhell, but an half penny over the common price in the Market, and that they take nothing for the Litter, and this is enquirable.

Inkeeper may bake his bread

27 An Innekeeper may bake his bread for Horſes in his Houſe in any Through-fare Town which is no City where no common Bakers dwell, and if he Bake and not make the ſame according to the prices of Grain, it is to be puniſhed in Leet.

28 Alſo

28 Alſo if any Inkeeper or other perſon harbor any ſuſpected perſons, perceiving them to be of evil behaviour, it is to be enquired of. Harbouring any ſuſpected perſon.

29 Alſo if Millers take an exceſſive Toll, it is to be enquired of: and he ought to take for Toll but the twenty or the four and twenty Grain according unto the Cuſtome, and according unto the ſtrength of the Water. Millers.

30 Alſo if the Miller within the Lordſhip change the Grain which he hath ground, it is enquirable.

31 Alſo it is to be enquired, if all the Artificers do make good work as they ought, and if any make deceit in the ſame in deceiving of the people, you ought to Preſent their names. Artificers.

32 Alſo if any Conſtable, Ale-taſter, Bailiffe, or any other Officers within this Lordſhip, have well and truly done their Office or no, it is to be enquired of. Miſdemeanour of Officers.

33 Alſo the Conſtable ought to ſee the Peace and Watch to be obſerved as it ought. Peace and Watch.

34 If any Treaſure be found, that is to ſay, put in the earth, and no man knoweth who hid the ſame, this is the Lords if he have the ſame by ſpeciall Words, or by Preſcription.

35 If any Eſtrayes be, they are enquirable, and that is, if any horſe, pigges, hogs, cattell, or Swannes which have come into this Lordſhip, and have been there a yeare and a day, and not claimed, then the Lord may have the property of the ſame by Preſcription, but the ſame ought Eſtrayes.

first to be impounded in an open Pound, Proclaimed in three Markets next adjoyning, and if none claim them, then they shall be seised, and ought to be put into some severall Land, and not in any Covert or Wood where the owner cannot find them, for if they be in Covert the property is not changed, though they be there a yeare and a day.

Waife. 36 Also you shall enquire whether any Thief upon Hue and Cry, or otherwise, doth Waive his goods, that is to say, doth leave or forsake his goods, or any parcell of them, which he hath stollen, by reason whereof the Lord by the Grant is seised: such goods are called Waifes, and therefore present the same: also if any Officer seise upon any Thieves goods, though there be no pursuit made, in these Cases the Lord by Grant or Prescription shall have these goods, &c.

He that flieth. 37 If any flie, that is to say, if any be found by indictment guilty of Murder before the Coroner, or if he be indicted of Felony and acquitted, and found that he flieth; then he shall forfeit his goods to the Lord, who may have them by Charter, and not by Prescription, and this is inquirable.

Horse or Mare scabbed. 38 If any Horse or Mare be put upon a waste ground, and be scabbed, or having an infectious disease, he shall forfeit to the Lord of the Leet ten Shillings, and this is inquirable.

Exigent. 39 If any Exigent be awarded against one indicted

dicted of Felony, by the keeping of his goods, they are forfeit, though after he be acquitted of Felony, and the Lord by Charter ſhall have his goods, and not by Preſcription without Charter, and this is enquirable.

40 If any be outlawed in Debt, Treſpaſſe or other Perſonall Action, his goods be forfeited, and the Lord ſhall have them by Charter, and not by Preſcription, and this is inquirable. Outlawed.

41 Alſo you ſhall enquire if the common Fine be here payed according to the Cuſtome, and whether the ſame be gathered according unto the Vſage. This is commonly gathered by the Headborough. Common fine.

42 Note that every one that hath view of Free Pledges, ought to have Pillory and Tumbrell to do Iuſtice: alſo in every Town where there is a Leet, there ſhall be Stocks, and for default thereof, the Towne ſhall forfeit five Pound, and the ſame is enquirable. Stocks.

43 Alſo you ſhall enquire whether any have uſed in any of their Garments, Velvet, Satten, Damask, Taffata, Sarcenet, Chamlet: or any *Fur*, as *Foins*, Iennets, Martins, Squirrill, *Fox*, Gray, Cony, Hare, or other *Furres* growing within this Land; or Gold, or Silver, in or upon any of their Garments, otherwiſe then the Statutes made in the 14 yeare *H.*8. and 1. and 2. of *Ph.* and *Mary* do allow, you ſhall Preſent the Offenders. Apparrell.

44 Alſo

Victuallers. 44 Alſo you ſhall enquire whether any Baker, Brewer, Butcher, Cook, Tipler, &c. do take exceſſive gain or no: alſo whether they conſpire, covenant, promiſe, or take an oath not to ſel victuall but at a certain price, & preſent the ſame.

Artificers. 45 Alſo you ſhall enquire if any Artificers, Workmen, or Labourers, have conſpired, promiſed, or made any Oathes, that they will not make or do their Works but at certain prices, or not to finiſh that which another hath begun, or would do but certain Work in a day; preſent them, for they ſhall forfeit certain Penalties. 24. *H.* 8. *cap.* 12.

Tanners, Curriers, and tanned Leather. 46 Alſo you ſhall enquire if any Tanner have offered to be ſold, any Hyde of Bull, Oxe, Steere, or Cow, gaſhed or cut, he ſhall forfeit for every one twelve pence.

Curriers. 47 Alſo no Currier ought to curry any Leather in a Shoomakers houſe: and none ought to curry any Leather evill tanned.

Crow Nets, & Crow Neſts. 48 Alſo you ſhall enquire if there bee any Crow Nets, if there be not, the Lord ſhall have the moity of ten Shillings, which ſhall be forfeited by the Pariſh or Town for not having the ſame. Alſo if they deſtroy not the Crow Neſts when they begin to breed, they ſhal be amerced.

For the taking and killing of fiſh. 49 Alſo you ſhall enquire if any perſon by any means hath taken and killed any young Brood, Spawne or Frie of Salmons, Eeles, Pikes, or any other fiſh, in any Stream, River, Brook, Floodgate, or in the tail of any Mill, and

and preſent the Offenders. And further, when any Perſon hath taken in any of the places aforeſaid, any Salmons or Trowts out of ſeaſon, or Pikes, or Pikrels, not being in length ten inches, or any Barbel not being in length twelve inches, or any Salmons not ſixteene inches, or Trowts not eight inches long: If any have done ſo, they ſhall forfeit certaine penalties.

50 Alſo you ſhall enquire if any break by day or night, the head or dam of any Pond, Poole, or Moat, within which the Lord hath Fiſh, to the intent to ſcatter, ſteale, and deſtroy the Fiſh, he ſhall pay to the Lord treble dammages, and ſhall be impriſoned three Moneths, and after finde ſureties for ſeven years of his good abearing. Breaking the head of any Pond.

51 Alſo you ſhall enquire if any doe hunt Deere out of the Lords ground, or kill any of his Deere, and preſent them. Hunting of Deere.

52 Alſo you ſhall enquire if any Perſon doe keep or maintaine any common Houſe, Alley, or place of Bowling, Quoites, Cailes, Tenniſe, Dicing, Tables, or Carding, or any other unlawfull Games, and preſent them: if they doe, they ſhall forfeit certaine penalties: alſo you ſhall enquire if any perſon doe haunt the ſaid Houſes and Places: and further, you ſhall enquire if your Conſtables and other Officers doe make true ſearch in ſuch places which be ſuſpected to be frequented with any unlawfull Unlawfull Games.

Games, yea or no, if they do not, they ſhall forfeit certaine penalties, you ſhall therefore preſent ſuch Offendors, 33. *H.* 8. *cap.* 9.

Horſes.

53 No ſtoned Horſe being of the age of two years, except he be fourteen handfuls high, ſhall be put to Paſture in any Common, Foreſt or Chaſe, upon paine of forfeiting of the ſame Horſe: alſo the ſaid grounds ought to be yearly driven at *Michaelmas* by the Lord, Tythingman, Conſtable, &c. or within fifteen dayes after, upon paine of xl. s. and if upon the ſame driving there bee found any Mare, Fole or Gelding, not likely to be able to bear Foles, or to doe profitable ſervice, the ſame ſhall be ſlaine and buried 32. *H.* 8. *cap.* 13.

Hue and Cry.

54 Alſo you ſhall enquire if the Inhabitants after Robberies and Felonies committed, doe make freſh Suit from Town to Town, or from County to County, or from Hundred to Hundred according to the Statute of *Winchest.* 13. *E* 1. *cap.* 2. For if a man be robbed in the day time, and the Thiefe eſcape, and is not taken within fourty dayes after the Robbery, for lack of Hue and Crie, the Borough or Hundred ſhall anſwer to the Party all his Goods and Dammages: alſo if any perſon be killed in a Town in the day time, and the Murtherer or Manſlayer eſcape, not taken or arreſted by thoſe of the Town, then the Townſhip ſhall be amerced. 18. *Ed.* 2.

55 Alſo you ſhall enquire if your Conſtables

bles and Church-Wardens have appointed any Surveyor for the medding of High-Wayes, leading to Market-Townes, or no; and if any chosen refuse the Office, hee shall pay xx s. also you shall enquire whether the same Surveyors have taken upon them the said Office, and put the same in Execution: and whether the Parishioners have done their Duties, and present all those that have offended contrary to the same Statute, for the Offendors shall forfeit certaine penalties. For the amending High-wayes.

56 Also you shall enquire if the Ditches be scoured, and Bushes cut, according to the Statute made in the first year of Queen *Elizabeth*; for not doing of the same, they shall forfeit ten shillings. Scouring of Ditches and cutting of Hedges.

57 The moity of all the Forfeitures for these Statutes, the Church-Wardens shall have to bestow upon the High-wayes. Nota.

58 Also you shal enquirie if any persons have watered any hemp or flax in any River, running water, stream, or Brook, or other common Pond where Beasts doe use to drink; they shall forfeit for every time so doing xx s. the one part to the Party grieved, or any other which will sue for the same: and the Statute 33. *H.*8. *cap.*17. doth give a remedy to sue for the same in Leet, by action of Debt, Bill, Plaint, or Information, or otherwise. For watering Hemp or Flax.

59 Also you shall enquire whether any refuse to come to Musters before any Person Authorized Musters.

thorized to take the ſame, he ſhall be Impriſoned for ten dayes, except he pay xl s. and if any Perſons appointed to take Muſters, receive any money to releaſe any appointed to ſerve, hee ſhall forfeit ten times ſo much as that he received, 4. & 5. P. & M. ca. 3.

Ryots. 60 If any Perſons to the number of twelve make an unlawfull Aſſembly, for to break any Banks, Incloſures, Parks, Fiſh-Ponds, Barnes, Houſes, and ſuch like; and Proclamation bee made by the Sheriffe or Juſtice of Peace, that they depart, and notwithſtanding they remain together an houre after Proclamation made, every ſuch attempt is Felony: alſo every Copyholder being a Yeoman, Husbandman, or Labourer, of the age of eighteen yeares, and under threeſcore, not ſick, nor having a reaſonable excuſe, and being required by the Iuſtice, Sheriffe, &c. to apprehend thoſe Perſons aforeſaid, and refuſe, ſhall forfeit his Eſtate during his life, and his Lord may enter: alſo the Farmer being a Yeoman, &c. refuſing, is in the ſame caſe to the Land-lord: alſo it is Felony if any Perſon without compulſion, bring, ſend, or deliver any Money, Harneſſe, Artillery, Weapons, or Victuals, to any Perſons aſſembled in ſuch manner. Alſo the Iuſtice of Peace or other Officer may raiſe a Power to ſuppreſſe them: and if any Officer kill any ſuch Rebellious Perſons, or maime them, they ſhall be free: and if any Perſon know of any ſuch pretended Rebellion,

tion, and doe not openly declare the ſame within twenty houres next after ſuch knowledge, he ſhall be Impriſoned for three Months without Baile or Main-priſe, if he be not diſcharged by a Iuſtice of Peace: alſo he that letteth or hindereth that Proclamation that the ſame be not made, committeth Felony.

61 None may trace, deſtroy, or kill a Leveret in the Snow with a Dog, or otherwiſe, and he that doth it ſhall forfeit ſix ſhillings eight pence, 13. *H.* 8. *cap.* 11. Tracing of hares.

62 Alſo you ſhall enquire if thoſe Perſons which doe ſell Wines be thereunto Licenced, according unto the Statute made in the eight year of *Ed.* 6. &c. upon a grievous Paine and Forfeiture, and for every day occupying or ſelling of Wine without Licences. Alſo you ſhall enquire how many there are Licenced, and Preſent them. Of this and all other matters and defaults you ſhall diligently enquire and make a true Preſentment. Licences for Wine.

Then, after the Charge is given, the Steward ſhall command the Cryer to make Proclamation, and after Proclamation made three times, the Steward ſhall ſay:

IF any can enform the Steward, or this Enqueſt of any petty treaſon, felony, petty Larceny, Purpreſture, breaking of Pounds, or of Reſcous, or of any other thing done againſt the Peace, or of

any perſon of evill behaviour within the Leet, or of any Artificer that doth make deceit, or of any other miſdeamenour of any Officer or other Perſon here, or of any Waiſe or Stray, Treaſure found, or of any other thing here to be enquired of; come in, and you ſhall be heard.

Then if any come in, he ſhall be ſworn to give evidence to the Iurie. And after that the Steward ſhall ſay to the Enqueſt:

GOe you together, and enquire of the matters of your Charge, and when you bee agreed I ſhall be ready to take your Verdict.

An addition of divers other matters enquirable in Leets, not mentioned in the former Edition.

Croſſe-bowes and Hand-guns.

1 IT is lawfull to all Stewards and Bayliffes in their ſeverall Leets and Law-dayes, to enquire, heare, and determine every offence committed contrary to the tenure of the Statute made 33. *H.*8. concerning Croſs-bowes and Hand-gunnes, ſo that alwayes no leſſe Fine than x. l. be aſſeſſed upon every ſuch Preſentment and conviction; the one moity of every ſuch Fine to be levied to the uſe of the Common-wealth, and the halfe of the other moity to the Owner of the Leet or Law-day by diſtreſſe, or action of Debt, and the other halfe of the ſaid moity to be to the Party that will purſue for the ſame in any of the Courts of Juſtice by action, information, &c. wherein no Wager of Law, Eſſoyn, Protection, &c. 2 And

2 And if any Iurie Sworn and charged to enquire of any offences committed contrary to the ſaid Statute, do wilfully conceale any of the ſaid offences: then the Stewards or Bailiffes before whom any concealment ſhall bee had, have Authority to charge and ſwear another Iury of Twelve or more, to enquire of ſuch concealment: and if ſuch concealment bee found and preſented by the ſaid Iurie, then every of the firſt Iury ſhall forfeit for every ſuch concealment of every offence, twenty ſhillings, the moitie to bee levied to the Owner of the Leet or Law-day by diſtreſſe, or action of debt, and the other to the Informer, to be recovered by Action, Information, &c. wherein no Wager of Law, Eſſoyn, Protection, &c.

3 But if the Preſentment or Suit for any of the ſaid forfeitures be not commenced within one halfe yeare next after the offence committed, then the Offendor ſhall be thereof clearely diſcharged, 33. *H.* 8. 16.

4 Lords in Leets, and their Stewards within the Precinct of their Leets, have Authority to enquire and take Preſentment by oath of Iurors, of all and every offence and offences committed contrary to the Statute 31. *Eliz.* touching the erecting and maintaining of Cottages and Inmates, and upon Preſentment made to Levie by diſtreſſe to the uſe of the Lord of the Leet all ſuch ſummes of money as ſhall be forfeited by the Statute of 31. *Eliz. cap.* 7. New Cottages; Inmates.

5 Stewards

5 Stewards of Leets, Liberties, and Law-dayes, within their ſeverall juriſdictions ſhall and may heare, enquire, and determine of all and every offence and offences which ſhall be committed within the Precinct of their Liberties, Iuriſdictions, or Franchiſes againſt the Tenour of the Act made, *An. Eliz.* 6. for the preſervation of Feaſants and Partridges, 23. *Eliz.* 10.

6 Stewards in their Leets and Law-dayes, have Authority to heare and determine every default and offence of Hoſtlers or Inholders making horſe bread not ſufficient, lawfull, and of due aſſiſe, according to the price of Corn, committed within the limits of their Iuriſdiction, contrary to the Statute in that caſe provided, 32. *Hen.* 8. 41.

Horſe-bread.

7 The Lord of every Leet hath Authority to enquire of all the offences committed contrary to the purport and form of the Statute provided (1. *Eliz*) for the preſervation of ſpawn and frie of Fiſh, within the Precinct of the ſaid Leet, ſuch enquiry to be had in maner & ſort as common amerciaments or other things enquirable in Leets have been lawfully uſed to be made, and upon every ſuch Preſentment had in any Leet Court by the Oath of twelve men, of any offence made contrary to the ſaid Statute, all forfeitures appointed for ſuch offence, ſhall be unto the Lord of the ſaid Leet, and ſhall be Levied as Amerciaments for fraies committed within

Fiſh.

within the Precinct of ſuch Leet, have beene uſed to be Levied. And if that Steward of a Leet or ſome other for him do not charge the Iury ſworn in every Leet to enquire of all offences done within the Precinct of the ſame Leet concerning the killing of Spwan or Frie of Fiſh, Kepper, Shedder, or Salmons or Trowts, Pickerell, Salmon-Trowt, or Barbel, being not of lawfull length: and concerning the maſh of Nets, and other Engines, he ſhall forfeit for every offence, xl.s. to the Lord of the Leet, and him that will ſue for the ſame.

8 Alſo if any Iury ſworn in a Leet, having charge to enquire of the Premiſſes, doe willingly conceale and make default in Preſentment of the offence and Offenders, then the Steward or Bayliffe, or their deputy, may impanell another Iurie within the ſame Leet to enquire of ſuch concealment, which being found, every of the Iurors ſo concealing ſhall forfeit xx.s. to the Lord of the Leet for evey offence.

9 Saving alwayes to all and every Perſon and perſons, bodies politick and corporate, and every of them, all ſuch right, title, intereſt, claime, priviledge, and conſervation, and enquiry, and puniſhment, of and for any the offences aforeſaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy by any manner of meanes, any thing &c. notwithſtanding, 1 *Eliz.* 17 35. *Eliz.* 7.

Finis de le charge de Court Leet.

THE ORDER
Of Keeping
COURT BARON.

The Stile of the Court.

Overstoy *CVria Baronis M.L. ibidem tent. die Martis, videlicet decimo quarto die Iunii, Anno Dom. &c.*

After the stile of the Court entred, you shall cause the Bayliffe to crie once O yes, and then call the Iurors.

Example	John Doe,	*Iurators*	Rob. Dodge,	*Homage.*
	Richard Roe,		Tho. Lodge,	
	John Den,		Adam Clark,	
	Richard Fen,		David Parke,	
	Wal. Hallen,		Henry Loe,	
	Robert Allen,		William Croe.	

After the Iurie is called, the Bayliffe shall cry another O yes, and then the Steward shall say,

If any will bee essoyned or enter any plaint, come in, and you shall be heard.

The Essoynes be set before the homage, in M. *Kitchins* Book, and better than here; for first should the Suitours be called, and their appearance, defaults, or Essoynes the recorded, before it

it can bee known who did appear to make the homage.

And after the Eſſoynes bee entred, and your plaints and Pleas thereto made, then impanell the Iurie and ſweare them.

After the Enqueſt is impanelled and ſworn, make another O yes, and ſay, You good men which be of the Iury, come near, and you and all other keep ſilence during your charge.

An Exhortation to the Iurie.

MY Maſters, you that be ſworn, before I give you charge in this Court Baron, I think it good to declare unto you by what Authority you are commanded to be here, and for what cauſe. Chiefly, you are appointed to be here for that you bee the Lords Tenants, and are bound by reaſon thereof to appear at the Lords Court Baron when it ſhall be kept, according to the Law, that is to ſay, at every three weeks end, being warned, and being by the ſame Authority there, to end and determine injuries, treſpaſſes, debts, and other actions, where the debt or damage is under forty ſhillings: and alſo that no hing be done within the Mannor hurtfull to the inheritance of the Lord of the Mannor, which ought to be enquired and preſented for the Lord: and that you be the more diligent and carefull in enquiring and preſenting the ſame, I have miniſtred an Oath

unto you, which is the calling or taking to witneſſe of God his Name, to confirme the truth of that you ſhall ſay, and preſent, minding neither fraud nor deceit, but onely the truth, not partiall, but ſeeking the glory of God, and the profit of your Neighbours, and the Common-Weale of God his people.

The Charge.

FIrſt, you ſhall enquire of the Sutours which owe any Suit to this Court, whether they be here or no, and preſent their names that make default, for they which be abſent ought to be preſent here as well as you, except they have ſome lawfull impediment to the contrary, for they hold their Lands, as well to doe their Suit, as to pay their rent, ſo that if they doe not their Suit, they ſhall be amerced, or the Lord may have good remedy for the ſame; otherwiſe you ſhall underſtand, that every common Sutor is bound by the Laws to appeare at the Lords Court Baron at every three weeks end: notwithſtanding, the Lord for your eaſe (which he eſtemeth more than his own profit) ſuffereth the ſame to be kept but ſeldome, as appeareth, for which cauſe every of the Tenants ought the more willingly to come unto his Court at ſuch times as he doth appoint for the ſame: for if they wilfully abſent themſelves, then they render evill for good, and beſides

The Tenants are bound to appear at every three weeks end at the Lords Court Baron.

ſides that, they incurre the danger of perjury; for when they did their fealty, they were ſworn to be true Tenants unto their Lord, and to pay and doe all manner of Suits, Cuſtoms, and ſervices due for their Tenements, at their day aſſigned: and therefore let every man remember his oath and duty, and doe his Suits and Services, according to the ſame, or elſe he ſhall fall into the danger aforeſaid.

What Tenants are dead ſince the laſt Court.

2 Next you ſhall enquire whether there be any Tenant dead ſithence the laſt Court day, or before, whoſe death as yet is not preſented, and you ſhal preſent the ſame: alſo what Lands and Tenements he held of this Lordſhip at the time of his death, and by what Services, that is to ſay, whether it were by Socage Tenure, or Copy-hold, and what advantage the Lord ſhall have by his death, and preſent it.

What land he holdeth, and by what ſervice.

What Socage tenure is.

3 Socage Tenure is, as if the Tenant holdeth of the Lord by fealty and certaine Rent for all manner of Services, or by homage and fealty for all manner of Services, or by fealty onely for all manner of Services: or to pay a ſumme of money for Eſcuage, or to pay a certaine ſumme of money for Caſtle Guard: all ſuch Tenures are Tenures in Socage: and all other Tenures which were not Tenures by Knights Service, are Tenures in Socage: and where ſuch Tenants die ſeiſed of any Lands ſo holden, the Lord of whom the Land is ſo holden, after the death of his Tenant, can have

no more profit but onely his fealty and relief, that is to ſay, as much Money and Service as one yeares Rent doth amount unto: as if the Tenant held by Fealty, and ten Shillings Rent, the Lord ſhall have ten Shillings for a relief, over and beſides the ten ſhillings which he ſhall pay for his Rent; and in ſuch caſe after death of the Tenant, ſuch relief is due to the *Lord* maintenant, or immediately upon his Anceſtors death, ſo that the Heire be of the full age of xiiii yeares, and he ought not to tarry for his relief until the day of payment of the Rent, but he ought to have his Relief maintenant, and for that he may diſtrain immediately after the death of his Tenant.

Relief is as much money as one yeares Rent.

4 Alſo if a Coppyholder die ſole ſeiſed of any Lands or Tenements ſo holden, his Heire being of the age of fourteen yeares, then he ſhall pay a fine unto the Lord, and do fealty, and be admitted Tenant: but if the Heire be within the age of 14 yeares, then ſome Gardian ſhall be admitted to occupy his Coppyhold, and to pay and to do his Service due for the ſame, that is to ſay, if Lands deſcend from the Father, then the Mother or ſome of her next Kin ſhal have the occupation of the ſame Lands, untill the Heire be of the age of fourteen years, and they ſhall pay a little fine for the Gardianſhip, and the Heire at his Entrie ſhall pay the whole fine; you ſhall enquire thereof, and Preſent the ſame.

A Coppyholder dyeth.

5 Alſo you ſhall enquire whether any Tenant which held by Socage Tenure, did make any Feoffement in Fee to his uſe, and died ſeiſed of the uſe, his Heire being within age, and no Will by him declared of the uſe, and preſent it: for the Lord ſhall have his relief, as well as if he had died ſeiſed of the ſame Lands.

6 Alſo you ſhall enquire whether any Freeholder hath aliened or ſold away his Freehold Lands or Tenements, or any parcell of them, and preſent it: for he which hath bought the Land before he enter, ought to come to give notice unto the Lord, that he hath bought the ſame, and ſo the Lord ſhall know his Tenant; and in caſe where but part is ſold, the Service which the former paid unto the Lord, ſhall bee apportioned, according unto the value of the Lands ſold and retained. Whether any Freeholder hath aliened any of his freehold Lands.

7 Alſo you ſhall enquire whether any which held by Herriot Service, or Herriot Cuſtome, died ſeiſed of any Lands or Tenements ſo holden, and preſent it; for the Lord ſhall have of every of their ſeverall parts divers Herriots at their ſeverall deaths: alſo if one man have two ſeverall parcells of Land holden by Herriot Service, and by two ſeverall Titles, and died ſeiſed of the ſame, the Lord ſhall have after his death two Herriots. Herriot Service. Herriot Cuſtome.

8 Alſo you ſhall enquire if any Coppyholder die ſeiſed of any *Lands* ſo holden, and preſent it: alſo whether any Coppyholder hath made Whether any Coppyholder dieth ſeiſed of any ſuch Lands.

made any *Leaſe* of his Coppyhold, or otherwiſe aliened or ſold the ſame, and preſent it, for it is a forfeiture of his Coppyhold: for if a Coppyholder will alien or ſell away his Coppyhold, he ought to come into the Court and ſurrender the ſame into the hands of the *Lord*, to the uſe of him which ſhall have the Eſtate, or elſe out of the Court, he ought to ſurrender it unto the Bailiffe, or to ſome of the Tenants of the *Lordſhip*, to the uſe of him which ſhall have the Eſtate, and they to whom the ſurrender is made, ought to preſent the ſame at the next Court, and then pay his Fine for the ſame, and take it to his uſe in the Court, and do his endeavour to be admitted, and if he be not at the ſame Court, then the *Lord* ſhall have the meane profits of the ſame *Lands*, all the Rent Services and reparations being deducted, untill he be ſatisfied for his Fine, according to his duty.

How a Coppyholder ought to ſurrender his Copyhold.

9 Alſo you ſhall enquire if any Coppyholder hath made any ſurrender of his Coppyhold, or any part thereof ſithence the laſt Court day, or before, and preſent it: and into whoſe hands it was made, and in whoſe preſence, or to whoſe uſe: for at every Surrender the *Lord* ought to have a Fine, and the Party into whoſe hands the Surrender is made, ought to come to the next Court, and preſent the ſame, and to yeeld up and teſtifie the Surrender into the *Lords* hands, to the uſe of the Alienee, according unto the truſt reposed

Whether any Coppyholder hath made any Surrender.

poſed in him, or otherwiſe he forfeiteth his Coppyhold, except he have a reaſonable excuſe: for that he doth as much as he may to defeat the *Lord* of his Fine, and alſo to defeat the other party to whoſe uſe the Surrender was made. *Note.* The party that received the Surrender hath no right by it.

9 Alſo you ſhall enquire if any Tenant of the *Lordſhip* have given any *Lands* into mortmain, and preſent it..

10 Mortmain is if a man give or ſell any *Lands* to any Houſe of religion, or to any other which be corporate by Grant: alſo if one make a Feoffement upon truſt to the uſe of an Houſe of Religion, or to the uſe of a Guild or fraternity Corporate, that is Mortmain. Mortmain.

11 Alſo if one give *Lands* to, or exchange *Lands* with an Abbot, or body Corporate, this is Mortmaine.

12 Alſo you ſhall enquire whether any Tenant for Term life, or yeares, or any Coppyholder of this *Lordſhip*, hath made any Waſte, or ſuffered any Waſte to be done upon their *Lands* or Tenements, yea or no. Waſte.

13 Waſte is when any Tenant for Terme of life, yeares, or any Coppyholder pulleth down any houſe, or cutteth downe any Timber-Trees, or ſuffereth the houſe willingly to fall, being on their Coppy Tenements, or if any of the Tenants plow up any Meadow ground, or if they ſuffer any Wall or Pale which were co- Whatt Waſt is and how the ſame is done.

vered, to be uncovered, by reaſon whereof the ſame Wall or Pale doth fall in decay, or if any of them digge Coales, Chalk, or Sand, or make any Mines in their Grounds, then they make waſte. And if they fell a Tree to the value of three Shillings four pence, this is admitted waſte: But if a man cut down Timber to repair the old houſes which ſtand upon parcell of the ſame ground, and therewith doth repair them, then it is not waſte; but if he with the Timber, build a new houſe, then the cutting down of ſuch Timber is waſte: or if he cut down any Timber to ſell, to repair ſuch houſes which are fallen in decay, ſuch is waſte. But if waſte be done with a Tempeſt, no Tenant ſhall be puniſhed for ſuch waſte: but if waſte be done by any danger, the Tenant ſhall be puniſhed for ſuch waſte: Alſo it is no waſte to fell in ſeaſonable time ſuch Trees as have been felled within xx. yeares before: but if the Tenant cut downe ſuch Trees to burn upon their Tenements, where they have Wood ſufficient, this is waſte. Alſo a Coppyholder may not cut down Wood to ſell, but he may to burn, upon his Tenement, or to make reparations as aforeſaid.

Whether any Tenant in poſſeſſion died ſeiſed without any Heire.

14 Alſo you ſhall enquire whether any Tenant in Poſſeſſion or Reverſion died ſeiſed of any Lands or Tenements holden of this Lordſhip having no Heire at the time of his death, yea or no, and preſent it; for then the Lord ſhall have

have the Land holden of him by Eſcuage. You ſhall underſtand that none ſhall have *Lands* in Fee ſimple as Heire unto any man, unleſſe he be Heire of the whole blood: for if a man have iſſue two ſonnes by divers women, and dieth ſeiſed of the ſame *Land*, and the Eldeſt entereth and dieth without iſſue, the youngeſt ſhall not have the *Land* as Heire unto his brother, becauſe he is of the half blood, but ſome other Heire of the Fathers ſide ſhall inherit the ſame *Land*; and if he have no Heire on the Fathers ſide, then the next Heire on the Mothers ſide ſhall not have the *Land*, but the *Lord* of whom the *Land* is holden ſhall have the *Land* by Eſcheat: and ſo when *Land* deſcendeth on the Mothers ſide, the Heire on the Mothers ſide ſhall inherit, and not the Heires of the Fathers ſide. And you ſhall underſtand that a Baſtard can never be Heire unto any man, nor yet have Heire unto himſelf but his Children: therefore if any Baſtard die without iſſue, or any other Tenant have died ſeiſed without Heires, you ſhall preſent it.

A Baſtard may not inherit.

15 Alſo you ſhall enquire if any Tenant was ſeiſed of any *Lands* or Tenements, and was put out of his *Land* by one which had no rightfull Title, and afterward died without any Heire, the *Lord* ſhall have his Eſcheat as well as if his Tenant had died ſeiſed.

Whether any Tenant died being put out of his Lands by one which had no right.

16 Alſo you ſhall enquire whether any Tenant of his *Lordſhip* hath ecommitted any pet-

Petty Treaſon, Felonie, or Murder committed by any Tenant, for whlch he was hanged, or had judgement to be hanged.

ty Treaſon, Felonies, or Murders for the which he was hanged, or for the which he had Judgement to be hanged, though afterward he died by the Act of God, or prayed his Clergy, and was allowed it, and delivered to the Ordinary before the Statute made in the 18. year of Q. *Eliſabeths* Raigne; or elſe ſince that Statute was burned in the hand, and delivered out of Priſon according to the Statute; for by that Judgement he was attainted, and the Lord entreth to the Eſcheat of his Lands; and therefore if any ſuch be, preſent it. And whether any Tenant hath committed any petty Treaſon, Felony, or murder, for the which he hath abjured the Land, or for the which he was outlawed, or for the which he was beheaded, or for the which he was overcome by wager of battell upon an Appeale, or in the combate put to death; and preſent it: for in all theſe caſes the *Lord* of whom the *Lands* are holden, ſhall have the *Lands* by Eſcheat, and alſo the Evidences concerning the ſame.

Whether there be any Rents loſt, or Services withdrawn.

17 Alſo you ſhall enqnire if there be any Rents, Cuſtomes or Services withdrawn from the *Lordſhip* which of right ought to be done, and preſent it, and what Rents, Cuſtomes, and Services they are, and by whom they are withdrawn, and where the *Land* lieth, out of which they be due, and who holdeth the ſame, that the *Lord* may have his remedie for the arrearages thereof.

18 Alſo

18 Alſo you ſhall enquire whether the Coppyholders or the Farmers of this Lordſhip do uphold and repair their Tenements, yea or no, and preſent the ſame: you ſhall underſtand that every Tenant is bound to three things: Firſt, that he be true *Tenant* to his *Lord:* ſecondly, that he ſufficiently repair his *Tenements*: and thirdly, that he pay and do all Suits, Cuſtomes and Services at his Dayes aſſigned: for he took upon him ſo to do when he did his Fealty; & if he do not pay his Suits, Cuſtomes, and Services, the *Lord* ſhall have good remedy, and recover the ſame with his dammages: and if he be a Coppyholder, and do the contrary, he doth forfeit his Coppyhold. Whether the Tenants do uphold or repair their Tenements.

19 Alſo you ſhall enquire if any *Tenant* of this *Lordſhip*, which is bound by reaſon of his Tenure to do ſuit unto the *Lords* Mill, do the ſame yea or no, and preſent it: and whether any have uſed to withdraw their Suit from the *Lords* Mill, in not grinding their Corn there, yea or no, and preſent it. Whether any Tenant have withdrawn his Service.

20 Alſo you ſhall enquire whether any Waif, or Stray is or was within this *Lordſhip*, and whether the *Lord* be anſwered of the ſame yea or no: if not, preſent by whom they are conveyed away: alſo you ſhall enquire if any Herriot be conveyed away, yea or no, and preſent it, and by whom. Waif and Stray.

21 A Waif is, if a Thief upon Hue and Cry and purſuit after him, or otherwiſe to eaſe What a Waif is

himſelfe of his carriage, without Huy and Cry doth Waiſe his Goods, that is to ſay, doth leave and forſake his Goods which he hath ſtoln, or any parcell of them, by reaſon whereof the Common-wealth, or any other Lord or Officer in his right or in his own right do ſeiſe the Goods: in thoſe caſes the Goods ſo ſeiſed are called Waifes: and the ſame Law is, if any Officer take any Goods of a Theiſe, ſuſpecting that he hath ſtoln them, though there bee no purſuit made: and in theſe Caſes, the Lord, by reaſon of a Grant, or by the Preſcription, ſhall have the Goods ſo waifed, if the Owner of them do not make freſh Suit after the Thiefe to attaint him for ſtealing of the ſame Goods; which freſh Suit if he make, he ſhall have his Goods againe, though they be waifed, but then he muſt ſue an Appeal, or elſe procure the Party to be Indicted and Convicted by Evidence at his Purſuit, according to the Statute made 21 *H.*8. *cap.*11.

What an Eſtray is.

22 An Eſtray is, when an Horſe, Mare, Oxe, Sheep, or other Beaſts, are in the Lordſhip, and no man knoweth the Owner of them, they ſhall bee ſeiſed unto the uſe of the Common-Wealth, or to the Lord which hath ſuch an Eſtray by Grant, or Preſcription; and if the Owner come and make claime within a year and a day, then he ſhall have it againe, or elſe after the yeare and the day, the property thereof ſhall be to the Lord which hath the ſame

ſame by Grant or Preſcription, ſo that the Lord make Proclamation thereof according to the Law, in the next Markets, and in the Church.

23 Alſo you ſhall enquire, whether any Perſon have made Reſcous againſt the Lord, or any other Officer, and preſent it. Reſcous.

24 Reſcous is when the Lord diſtraineth in the Land holden of him for his Rent, or Services behind, or if the Lord come upon the Lands and would diſtraine, and the Tenant or ſome other will not ſuffer him, that is Reſcous: alſo if the Lord diſtraine for ſervice behind, or for dammage feſant, and in driving cattell to the Pound, the Beaſts enter into the Houſe of the Owner, if in ſuch caſe he that diſtraineth doth pray deliverance, and the Poſſeſſours will not deliver them, that is a Reſcous; therefore you ſhall preſent it, if Reſcous have been made.

25 Alſo you ſhall enquire whether any perſon hath broken the Lords Pounds, that is, to have taken away a Diſtreſſe put in, yea or no, and preſent it. You ſhall underſtand, that if the Lord doe diſtraine any Tenant for Rent, or Service behind, he may impound the ſame diſtreſſe in a common Pound if he will, or in his own ground, or in his Neighbours if hee will, by the licence of his Neighbour, and all thoſe places in which the Lord doth impound any Cattell, are called the Lords Pound: but alwayes when another doth impound any Diſtreſſe Breach of Pound.

Diſtreſſe in his own Pound, or in his Neighbours, it behoveth him to give notice to the other Party, for that if the Diſtreſſe be quick hee may give it meat, and then if the Beaſt die for want of food, hee that was diſtrained ſhall be at the loſſe, and then he that diſtrained before may diſtraine againe for the ſame Rent or duty.

Whether any Tenant hath let any farme fall to decay, viz. not maintained husbandry as before.

26 Alſo you ſhal enquire if any Tenant of this Lordſhip hath let any Farme or Houſe fall into decay, which at any time ſithence the firſt year of the Raign of K. *H.7.* hath been let with twenty Acres of Land being in tillage, yea or no, and preſent it: for if they ſuffer their Houſes to fall into decay, the Lord may take and diſtraine for halfe of the iſſues and profits of the ſame, and keep them to his own uſe, uutill ſuch time as the Houſes ſhall bee ſufficiently builded and repaired, that is to ſay, maintained againe for Husbandry. This was by the Statute 4. *H.7.* which is now repealed by 39. *El.*

Whether any have overcharged the common.

27 Alſo you ſhal enquire if any Inhabitant of Common have overcharged the Common or High-wayes, or your common Fields, by putting in more Cattell than they ought to keep, and whether any of them have put their Cattell in any their Commons aforeſaid, before the daies agreed upon, and preſent it; for the Lord of any Commoner (as it ſeemeth) may diſtraine the ſurpluſage dammage feaſant, or elſe you may

make

make among your selves Orders and Lawes for your own profit, that none shall doe upon pain of certaine penalties, &c. and by such lawes the Inhabitants and Commoners shall bee bound &c.

28 Also you shall enquire if any person have made any Pits in the High-wayes, and whether any Person do commonly use to break Hedges, and to suffer Hogs to goe unyoaked, or unringed, to the annoyance of their Neighbours. Whether any Pits be made in the High-wayes. Breaking of Hedges. Hogs unyoaked or unringed.

29 Also you shall enquire whether any person hath strained or stopped any Wayes, Water, Ditches, Pathes, or turned any of them into a wrong course, and present it. Stopping Wayes, Waters &c.

30 Also if any have encroached any Land of the Lord, that is to say, Land, Meadow, Pasture, Wood, Heath, Moore, or any other vacant Land without licence of the Lord, by setting of his Hedge, Pale, or otherwise, and present the same. Whether any have enchroached.

Note that all the vacant and waste Land within the Mannor, is to the Lord of the Mannor.

31 Also you shall enquire where any Person have ared, plowed up, or removed away any Meere-markes, balks, or limits between one peece of Land and another, and present it. Whether any have removed any Marks.

32 Also you shall enquire if any have stalked with a bush or beast to kill Deere which is in the Lords Chase and Parke, and present it. Whether any have stalked with bush or beast.

Whether any have or doe keep away any evidences.

33 Alſo you ſhall enquire if any perſon hath or keepeth away any Evidences, Charters, or Court Rolls, Cuſtomary Terrars, or any other Evidences which concern the Lordſhip, or any parcell thereof, yea or no, and preſent it.

Whether any have fiſhed, fowled, hawked.

34 Alſo you ſhall enquire if any Perſon have fiſhed, fowled, hawked, or hunted in this Lordſhip or Lords Warren, and preſent it.

Whether any have taken any feſants &c.

35 Alſo you ſhall enquire if any perſon have taken any Feſants, or Partridges, with Net, Snare, or other Engine upon the Free-hold of the Lord of this Mannor, and preſent it.

Swannes or Swannes egs.

36 Alſo you ſhall enquire if any perſon have taken away the Egges of the Lords Swans out of their Neſts, and preſent it.

Concealed Land.

37 Alſo you ſhall enquire if any lands of the Lords be kept back, or occupied by any without the licence of the Lord: alſo what land it is, and how much land hath been ſo occupied, and of what value by the yeare the ſame is, and preſent it.

Whether the Lord have any Villain within the Lordſhip.

38 And you ſhall enquire whether the Lord have any Villaine within his Lordſhip, and what Goods, Chattals, and Lands he hath, what Eſtate he hath, that the Lord may ſeile thereupon: alſo what other things he hath: alſo if any Villaine carry his goods out of his Lordſhip without licence of the Lord: or if any free man eſpouſe a Neife without licence of the Lord you ſhall preſent the ſame. Note, if a Villaine purchaſe Land, and doth alien the ſame to another

another before the Lord enter, then the Lord after ſhall not enter: otherwiſe it is if the Lord enter before the alienation of the Villaine: the ſame law is of Goods, but the Lord may not ſeiſe the Goods that the Villaine hath as Executour.

39 Alſo you ſhall enquire if any Treſpaſſe be done in any of the Lords liberties, *viz.* in his Corn, Graſſe, Medowes, Paſture, Woods, Hedges, Waters, or Ponds: or if any take Honey, Swarms of Bees, or any Hawks, or ayrie of Hawks, or ſuch like treſpaſſe, and preſent them. Treſpaſſe in the Corne, Graſſe, &c.

40 Alſo you ſhall enquire if any Land be incloſed, and the ſame kept in ſeveralty, which ought to lie open, without licence of the Lord and other Free-holders, you ſhall preſent the ſame, for that no Tenant of the Lordſhip ſhall loſe the Common in the ſame. For incloſing in ſeveralty grounds without licence of the Lord, &c.

41 Alſo if any Copy-holder let his Copy-hold Land for longer time then a year and a day, without licence, except it be by cuſtome that he may let for longer time, and if he doe, it is a forfeiture, and preſent the ſame. A Copy-holder may not let longer than a yeare and a day.

42 Alſo you ſhall enquire whether any Tenant of this Lordſhip hath been out-lawed in any action of Treſpaſſe, or other action, and preſent it, and whether the Lord be anſwered of his Goods and Chattels, yea or no, and preſent the ſame. Whether any be out-lawed.

43 Alſo you ſhall enquire whether any Te-

Granting greater Eſtates.

nant for years, or life, have granted any greater or larger Eſtate than they had in their Lands, or Tenements, yea, or no, and preſent it, for that is a forfeiture of their Eſtates.

Whether the Bayliffe and other Officers doe execute their Offices.

44 Alſo you ſhall enquire if the Bayliffe, Headborough, Conſtable, and Hayward, and all other Officers, have well and truly executed their Offices, yea or no, and preſent it.

Note, Headborough nor Conſtable be not to preſent in a Court-Baron.

Whether the default and plaints be amended.

45 To conclude, you ſhall enquire whether all the defaults and plants that were preſented at the laſt Court be ſufficiently amended, yea or no, and whether all the Orders and Laws heretofore made bee obſerved and kept, yea or no, and preſent it. And further, you ſhall enquire for all things which in your conſciences you think ought to be ſearched and enquired of, and by the Oaths that you have taken you ſhall truly and diligently enquire of all the premiſſes, and plainly, without concealing of any fault, bring in a true verdict in writing, ſubſcribed with your owne Hands, Sealed with your Seales, by ſuch an houre, or as ſoone as you can.

It is needleſſe but in caſe of Felonie for to deliver their Verdict Sealed, and then it muſt be indented: but it is convenient to have it in writing, written

written or ſubſcribed by them, or one of them, but not neceſſary: But to avoyd the blame, ignominy, or ſlander the Steward might incurre, if they did after deny their doings.

46 And finally, if you ſhall know any thing that ought to be preſented to the Lords advantage, you ſhall doe us to wit by the Oath that you have made, and bring us in a true Preſentment. And now you may depart and enquire of your Charge, having a regard of your Oaths.

FINIS.

FINIS